



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

Leah Walker, Director
Division of Drinking Water & Environmental Management
California Department of Public Health
1616 Capitol Avenue
PO Box 997377, MS 7400
Sacramento, CA 95899

Dear Ms. Walker:

We are in receipt of the SFY 2011 Annual Operator Certification Program Report (Report) and commend the CDPH on the progress and amount of certification and training activities undertaken by the CDPH and its stakeholder agencies.

The Report addressed the annual submittal requirements prescribed in the *Federal Register, Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems*.

Pursuant under Section 1452(a)(1)(G)(ii) of the SDWA, we have determined that "*the State has adopted and is implementing a program for the certification of operators of community and non-transient noncommunity public water systems that meets the requirements of the guidelines*" and is eligible to receive its full FY2012 capitalization grant.

Based on our review, the Report addressed the annual submittal requirements prescribed in the *Federal Register, Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems*.

The Operator Certification program has been instrumental in addressing the needs of water system operators in California and continues to make progress in meeting the minimum baseline standards. Enclosed is a program review based on your annual submittal. I encourage you to contact me if you wish to discuss the program evaluation.

Sincerely,

Corine Li, P.E.
Manager,
Drinking Water Office

Enclosures: California Operator Certification Program SFY 10/11 Annual Submittal Review
Final Guidelines for the Certification and Recertification of the Operators of
Community and Nontransient Noncommunity Public Water Systems

Cc: Kim Wilhelm Chief, Drinking Water Technical Programs
Alice Webber, Manager, Operator Certification Program

DRAFT

California Operator Certification Program

SFY 2010-2011 Annual Submittal Review

Background

The SFY 2010-2011 Annual Operator Certification Report review was conducted by Kevin Ryan, Operator Certification Program Coordinator, and in accordance with the *Federal Register, Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems*, published February 5, 1999. Enclosed is a copy of the final guidelines for reference. The guidelines state how each operator certification program must include at a minimum, the essential elements of the nine baseline standards to have an acceptable program. For each essential element, the State must describe how its operator certification program complies with the requirement. The review focused primarily on the descriptive narrative of the Report to meet the submittal requirements and to gain a more complete understanding of the overall program, it also considered the highly recommended elements, intended to complement and improve an operator certification program.

Purpose and Need

Pursuant under Section 1452(a)(1)(G)(ii) of the Safe Drinking Water Act, the Guidelines direct that all annual program submittals, subsequent to the initial submittal, must include documentation and evaluation of ongoing program implementation to avoid a 20% withholding of the SRF capitalization grant.

Recommendations, Justification, and Suggestions

This section of the review seeks clarification and additional information on some of the Program elements to meet the baseline standards. The amount of information and level of detail necessary to evaluate and approve a dynamic program can be considerable and we acknowledge that not all of our recommendations may be implemented or are attainable in the immediate future. An effort to address noted program shortfalls is requested in order for US EPA to continue to certify an approved program.

1. Baseline Standard #2: Classification of Systems, Facilities, and Operators

This standard applies to all community and non-transient non-community water systems. In California, approximately 4,640 systems (3,130 community and 1,510 non-transient non-community) are required to have a distribution and/or treatment operator certified at the appropriate grade. Information necessary to determine actual compliance with operator certification requirements for non-transient non-community PWS was not provided in the Report. In addition, for community systems compliance with Baseline Standard #2 was derived implicitly from large and small system compliance with other regulations. While 95% rate of compliance may be fairly accurate for larger community systems, compliance with Baseline

Standard #2 should be based on real data. This data could be obtained from the appropriate district, local primacy agency, operator certification database or other means.

Please note that this baseline standard does not prescribe at what point compliance is achieved or should be measured; it only requires that a program provide enough detail to demonstrate sufficiently for the US EPA to make a determination whether or not a State has adopted, and is implementing, each of these minimum standards for its operator certification program.

Finding: Information necessary to determine actual compliance with operator certification requirements for non-transient non-community PWS was not provided in the Report. Compliance with the baseline classification requirements should be based on real data.

2. Baseline Standard #4: Enforcement

The Report states that for systems found in violation of operator certification requirements, the field operations branch district office or county local primacy agency takes enforcement actions as appropriate to address non-compliance. Although the Program has the regulatory authority to address a myriad of operator certification violations and issues that may endanger public health, the Report did not provide any information on the number or types of enforcement actions taken.

This specific information would be helpful to determine if the State is using its authority to implement this essential element. In the interim, it would also help support the assumption that 90%-95% of all PWS have designated a chief operator, and that only certified operators are performing water treatment duties as specified in CCR Section 63770(b), and that the mechanism of using enforcement for systems without proper certification is working effectively.

Finding: The Report did not provide information on the number or types of enforcement actions taken. An account on the number and types of enforcement actions that are typically taken is requested.

3. Baseline Standard #6: Resources Needed to Implement the Program

Clarification is needed if the estimated 31,000 certified operators represents the actual number of individuals certified or is the number inflated due to individuals with dual certificates.

A large number of operators are certified in both water treatment and water distribution, and is reported to be around 10,000 individuals. This distinction is important as the actual number of certified operators may be approximately one-third less than the reported number. There is growing interest nationally on the number of certified operators in the water industry and the investment of federal resources to address workforce and succession planning for the future. Multi-agency workgroups have been formed to promote the industry as a profession, to develop strategies to recruit and retain operators, and to ensure the effectiveness of state operator certification programs.

It is also not clear what the data needs of the program are or if the needs will continue to be met. An explanation or description of the databases used in the Program is suggested as the Report only stated that the unit utilizes two databases. The ability to link or track each public water system to meet the chief operator requirement of Baseline Standard #2 is suggested, if not

already available or under development. The Program is encouraged to look at data management improvements for tracking compliance with basic operator certification requirements, associated enforcement actions, and non-complying systems that lack technical and managerial capability. Good data and effective databases that can help support and link programs can be valuable tools and very useful in meeting the needs of various state/local primacy programs and the federal reporting requirements, tracking certification renewal dates, continuing education credits, and other pertinent operator certification program information.

Finding: Clarify whether the estimated 31,000 operators certified also represent individuals with dual certification. An explanation or description of the databases used in the Program and their functions is suggested.

4. Baseline Standard #7: Recertification and Baseline Standard #9: Program Review

Stakeholders have suggested amendments to the requirements for the recertification of an operator whose certificate has expired. The change would allow an operator that held a Grade 4 or 5 certificate, upon passing the appropriate exam, to be reinstated at their previous Grade, without first passing the lower level examinations. This revision would require an amendment to the Operator Certification Regulations. The Guidelines, developed to meet Section 1419(a) of the Safe Drinking Water Act, included an anti-backsliding to prevent operator certification programs from lowering or reducing their requirements. However, changes can be made, and in some cases, to lessen a specific standard while making overall improvements, as long as States can justify the change and obtain EPA approval. The Report states that these revisions are expected to take several years to adopt.

All annual program submittals subsequent to the initial submittal must include documentation and evaluation of ongoing program implementation to avoid the 20% withholding of the SRF funds. This withholding decision must be made prior to October 1st of each federal fiscal year. The 2010-2011 draft final State Fiscal Year Annual Report was submitted on September 29, 2011. We request that the annual program Report be submitted no later than August 31st of each fiscal year.

Finding: We recommend that a justification for an amendment to the requirements for recertification be included in the actual regulation language to illustrate the improvement in the procedures for recertifying an operator with an expired certificate. We request that the annual program Report be submitted no later than August 31st of each fiscal year.

Program Summary and Successes

The California Operator Certification Program has undergone numerous changes since the publication of the Guidelines in 1999. Plans were laid to begin this overhaul with California's participation on the State-EPA workgroup tasked with identifying potential categories for development of the essential elements, and the creation of the nine baseline standards, using public health objectives as the foundation for these standards.

Prior to 2001, California did not require water distribution system operators to be certified, this has since been rectified. The Program also assumed full responsibility for the administration and

development of the examinations, a function previously shared with the California/Nevada Section of the American Water Works Association. The examinations, an important tool that measures operator competency, have undergone a number of revisions and are now fully validated. The question bank used to seed the examinations has also undergone numerous revisions, and as a result, is current with today's water treatment and distribution technologies and regulations, while maintaining the integrity of the examinations. The examination expected range of knowledge, need-to-know criteria, were derived from extensive job analysis research and have kept pace with the increasing demands on an operator as he or she progresses through the certification levels. The Association of Boards of Certification, a contract service used for some of the testing and examination tasks is widely recognized as a leader in the certification of environmental professionals for a number of disciplines, and continues to be an asset for the Program. The Program is also fully funded through revenues generated by exams, certification and renewal fees.

The challenge of tracking the large number and type of certifications is ongoing and is proving to be successful in most areas. The ability to manage and report data is also ongoing and experience has proven that the CDPH Drinking Water Program does support the increasing data needs and reporting requirements.

Stakeholder involvement includes an active Operator Certification Stakeholder Group that meets twice a year and whose members are knowledgeable and diverse. It is a forum that can and should continue to be used for open discussion.

The annual Reports expected from approved State Operator Certification Programs have increased in the amount of detail provided to ensure compliance with the nine baseline standards. Overall, the California Operator Certification Program continues to be an integral part of a strong delegated Public Water System Supervision Program.